IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 5373 OF 2006

M/s. Ashwnini Road Builders ... Petitioner.

versus

State of Maharashtra .... Respondent.

Smt. A.P.Madhuri for the petitioner.

Shri R.D. Rane GP for Respdt.

CORAM; V.G.PALSHIKAR Acg.C.J.&
V.M.KANADE, J.

DTAED: 11TH AUGUST, 2006.

P.C.

1. By this petition, the petitioner has impugned the action of the respondent Regional Transport Office (R.T.O.) of impounding and seizing the vehicle bearing Registration No.MH-04-E-4044 belonging to the petitioner as it violated the requirements of R.T.O. which do not permit plying of vehicles which are more than eight years' old.

2. In similar circumstances, this court was moved in W.P. No.6086 of 2005. Taking into consideration peculiar circumstances in which the vehicles are prohibited from being plied within limits of Gr.

Mumbai, the Court directed the disposal of the petition in the following terms:

> "In these circumstances, this petition is disposed of by directing the petitioner to deposit in the Cchief Minister's Relief Fund an amount of Rs. 20,000/-. The petitioner shall deposit this amount with the 2nd respondent who shall, in turn, forward the amount to the Choef Minister's Relief Fund. The petitioner shall file an undertaking before the 2nd respondent that the vehicle shall not, hereafter, be plied within the municipal limits of Gr. Mumbai. The 2nd respondent shall subject to compliance with the aforesaid conditions release the vehicle only for one journey within the municipal limits of Gr. Mumbai so as to enable the petitioner to take the vehicle outside the municipal limits."

3. In our opinion, this petition can also be disposed of by accepting the request of the petitioner for depositing in the Chief Minister's Relief Fund an amount of Rs. 20,000/- and on such deposit the petitioner shall also file an undertaking before respondent no.2 that the vehicle shall not ply within

the municipal limits of Gr. Mumbai. Respondent no.2 is directed to seek compliance of the order and release the vehicle only for one way journey out of the limits of Gr. Mumbai. The petition is accordingly disposed of.

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